

Law Office of James M. Wines

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Not licensed to practice in Virginia

October 2, 2019

Honorable Denise L. Cote
United States District Court
500 Pearl Street
New York, NY 10007

Re: Securities and Exchange Commission v. Lek Securities Corp., et al.
Case No. 17 CV 1789 (DLC)

Your Honor:

On behalf of Defendants Avalon FA Ltd, Nathan Fayyer and Sergey Pustelnik, I write to respectfully request that the Court allow a second amendment of the Joint Pretrial Order to include an additional potential witness for the Defendants.

On September 30, 2019, the SEC filed with this Court the Consent of Defendant Samuel Lek. As part of that Consent, Mr. Lek agreed to “cooperate with the SEC” in connection with this ongoing litigation. Mr. Lek was previously identified as a potential witness by both the SEC and the Defendants.

On October 1, 2019, Defendants counsel notified the SEC that it would like to add former Lek president, Nicolas Louis to its list of witnesses on the Amended Joint Pretrial Order to be filed on October 2, 2019. Mr. Louis was previously identified by the SEC as a potential witness. In light of Mr. Lek’s settlement and agreement to cooperate with the SEC, Defendants would like the opportunity to call Mr. Louis in the event that the SEC does not call him. Given that Mr. Louis was already a witness identified by the SEC, Defendants considered this a non-substantive change to the Amended Joint Pretrial Order comparable to numerous other changes made by the SEC to both the Amended Joint Pretrial Order and its Exhibits list.

On October 2, 2019, the SEC informed Defendants counsel that it would not add Mr. Louis to Defendants’ list of witnesses and then filed the Amended Joint Pretrial Order over the Defendants’ objection. The SEC has informed Defendants counsel that it takes no position with regard to the addition of Mr. Louis to the Defendants’ witness list.

Given the recently disclosed cooperation agreement between the SEC and one of the Defendants’ proposed witnesses, and the lack of prejudice to the SEC, the Defendants

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respectfully request the Court's permission to file a Second Amended Joint Pretrial Order that adds Mr. Louis to its list of potential witnesses.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "J.M. Wines", with a stylized flourish at the end.

James Wines